



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Richard Corcoran
Commissioner
Florida Department of Education
Turlington Building, Suite 1514
325 West Gaines Street
Tallahassee, FL 32399

February 21, 2020

Dear Commissioner Corcoran:

I am writing in response to the Florida Department of Education's (FDOE) request on December 2, 2019, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), of the requirement that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State. FDOE requested this waiver because, based on State data for the 2018-2019 school year, FDOE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in the 2019-2020 school year.

After reviewing FDOE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2019-2020, a one-year waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts, mathematics, and science.

As part of this waiver, FDOE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Assessed in the prior school year (2018-2019) at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and it will make such information publicly available.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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- Will implement, consistent with the plan submitted in FDOE’s waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent threshold.

I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State’s plan and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by FDOE, I expect to see positive results of this plan in the 2019-2020 school year and beyond. Any future requests for an extension of this waiver will be contingent on both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

By letter of June 4, 2019, I placed a condition on the State’s FY2019 Title I grant award because the State had assessed more than 1.0 percent of the total number of students with an AA-AAAS in 2017-2018 without receiving a waiver. In granting this waiver for 2019-2020, I am removing that condition.

Finally, in order to help all States support implementation of the 1.0 percent participation threshold for AA-AAAS participation, the Department is supporting work by the National Center on Educational Outcomes (NCEO). I note that Florida has participated in some of these efforts and encourage your State’s continued involvement. In 2019, NCEO has published several resources that may be helpful to stakeholders in your State. They may be found online at https://nceo.info/Assessments/alternate_assessments.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

cc: Jacob Olivia, Chancellor of Public Schools
Vince Verges, Assistant Deputy Commissioner, Division of Accountability, Research and Measurement

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December 2, 2019

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos:

The Florida Department of Education (FDOE) is requesting a one-year waiver from the 1% participation cap on the alternate assessment for students with the most significant cognitive disabilities placed on states under the Every Student Succeeds Act (ESSA). In the 2018-19 administration of the Florida Standards Alternate Assessment (FSAA), Florida slightly exceeded ESSA's 1% threshold in English language arts, math and science, and we anticipate exceeding the 1% cap in the 2020 administration due to a continued increase in the percentage of students with disabilities.

We are committed to ensuring that the State's alternate assessment is administered to only those students for whom it was intended. As noted below, FDOE has been called on by your agency to provide information and best practices to other states on our exemplary alternate assessment administration practices, and we look forward to continuing to be a resource in this area. As detailed in the attached waiver request, receiving this waiver would allow time to continue to support the local educational agencies to ensure that the most appropriate instruction is delivered and that the most appropriate assessment is administered to every child. We can now report that even more enhanced processes are in place to provide additional monitoring and support in these efforts.

Florida maintains high expectations for all students and values an inclusive educational environment. Florida has made steady progress to increase the percentage of students with disabilities, including students with significant cognitive disabilities who take access courses and are assessed via the FSAA, spending at least 80% of the school day in a regular classroom. This increased from 64% in 2008-09 to 76% in 2018-19, an increase of 12 percentage points. The preliminary 2019-20 rate is 77%. These high expectations and increased levels of inclusion have resulted in an increased level of student performance. I have included several highlights from our most recent performance indicators below.

- Florida's federal uniform high school graduation rate for students with disabilities has risen from 55.1% in 2013-14 to 77% in 2017-18.
- The graduation gap between all students and students with disabilities has decreased from 21 percentage points in 2013-14 to 9.1 percentage points in 2017-18.
- The drop-out rate for students with disabilities decreased from 19.2% in 2013-14 to 9.9% in 2018-19, an improvement of 9.3 percentage points.

- The graduation rate for all students increased to an all-time high of 86.1% in 2017-18, indicating that students without disabilities were not negatively affected by the inclusion of students with disabilities in general education classrooms.
- Post-school outcomes of students with disabilities are improving. 58.8% of students with disabilities who exited in 2016-17 were found employed or continuing their education within one year of exiting, an increase of 2.6 percentage points over 2015-16 exiters.

Florida is dedicated to improving outcomes for students with significant cognitive disabilities. One example is our commitment to Project SEARCH, a nine-month transition-to-work internship program where total immersion in a workplace facilitates the learning process through hands-on training and the acquisition of employability and marketable work skills. Interns participate in three 10-week internships to explore a variety of career paths and learn complex transferable job skills. Currently there are 41 Project SEARCH sites in Florida, more than in any other state. Project SEARCH results appear below.

- There is a 90% program completion rate.
- Completers have a 74.5% rate of competitive employment in inclusive work settings.
- The average salary is above minimum wage.

Florida also values postsecondary education for students with significant cognitive disabilities. Through the Florida Center for Students with Unique Abilities and the Florida Consortium for Inclusive Higher Education, 14 postsecondary programs are available on technical center, college and university campuses. The programs are designed to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities through degree, certificate or non-degree programs.

Our students with disabilities are performing well on the National Assessment of Educational Progress (NAEP). I have included a few key points below.

- Florida's students with disabilities ranked #1 in the United States on the NAEP for Grade 4 Mathematics and #2 in Grade 4 and Grade 8 Reading.
- Since 2003, Florida has increased the average scale score for students with disabilities on the NAEP by 16 points in Grade 4 Reading and Mathematics as compared to the nation, which has maintained the same scale score of 184 in Reading and 214 in Mathematics.
- For Grade 8 Reading, Florida has increased the average scale score for students with disabilities by 18 points since 2003 as compared to a four-point increase in the nation.
- Florida's largest increase since 2003 on the NAEP is for Grade 8 Mathematics with a 21-point increase as compared to five-point increase in the nation, which makes Florida #4 in the nation.

FDOE actively engages in opportunities for technical assistance provided by federal technical assistance centers, including National Center on Educational Outcomes (NCEO), the IDEA Data Center (IDC), the National Center for Systemic Improvement (NCSI), and others. Florida's required State Systemic Improvement Plan for students with disabilities is based on the *Six Key Practices of Moving Your Numbers*, an NCEO-developed product.

The Honorable Betsy DeVos
December 2, 2019
Page Three

In February 2018, Florida was asked to present at the IDC Interactive Institute in Orlando on [*Building a Culture of High Quality Data in Florida*](#). In October 2018, the FDOE sent a team to the NCEO Convening in Boston and was asked to present two plenary sessions, [*The Decision for Alternate Assessment*](#) and [*Ensuring Equity and Access for All*](#). In addition to the convening, FDOE and its project staff have participated in the NCEO 1% PEER Learning Groups of *Digging into Your Data: Building a One Percent Analysis, Evaluating District Justification for Exceeding the One Percent Threshold* and *Building Capacity of IEP Teams and Parents in Making Decisions about Assessments Participation*. FDOE has been asked to present on a future 1% technical assistance call.

I look forward to hearing from you regarding this waiver request. Should you have any questions, please feel free to contact Jacob Oliva, Chancellor of Public Schools, by phone at 850-245-0509 or email at Jacob.Oliva@fldoe.org. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Corcoran", with a long horizontal flourish extending to the right.

Richard Corcoran

Attachment

Florida Department of Education

ESSA ALTERNATE ASSESSMENT 1% CAP WAIVER REQUEST

TABLE of CONTENTS

Current Situation	1
1. Florida Standards Alternate Assessment	1
1.1 The Florida Standards Alternate Assessment (FSAA)	1
1.1.1 FSAA—Performance Task Overview	2
1.1.2 FSAA—Datafolio Overview	2
2. Requirement 1, 34 CFR §200.6(c)(4)(i)	2
3. Requirement 2, 34 CFR §200.6(c)(4)(ii)	2
3.1 Number and Percentage of Students Assessed via the FSAA	3
3.2 Ninety-five Percent Participation Requirement	4
4. Requirement 3, 34 CFR §200.6(c)(4)(iii)	5
4.1 Definition of “Most Significant Cognitive Disabilities”	5
4.2 Districts Over 1% Threshold	6
4.3 Evidence that Districts Followed State Participation Guidelines	7
4.4 Evidence that Districts Will Address Disproportionality	13
5. Requirement 4, 34 CFR §200.6(c)(4)(iv)	13
5.1 Plan	13
5.1.1 Improving the Implementation of State Guidelines	13
5.1.2 Support and Oversight of LEA Implementation	13
5.1.2.1 Universal Professional Development and Supports	14
5.1.2.2 Targeted Technical Assistance and Supports	15
5.1.2.3 Intensive Individualized Interventions and Supports	15
5.1.2.4 Addressing Disproportionality	16
5.1.3 Reporting	16
5.1.3.1 FDOE reporting to LEAs	16
5.1.3.2 LEA reporting to FDOE	16
5.1.3.3 FDOE reporting to the public	16
5.2 Timeline	16
6. Public and LEA Comment and FDOE Responses	17

Current Situation

Florida is the third-largest state in the country, with a population of 21.6 million people. There are approximately 2.8 million students in 4,200 public schools in Florida. In 2018-19, the number of Florida students with disabilities (SWD) was 401,627, which represents a steady increase from 350,816 in 2013-14. The percentage of SWD in the total student population grew as well, from 12.9% in 2013-14 to 14.1% in 2018-19.

Table 2: Student Enrollment

Category	2014-15	2015-16	2016-17	2017-18	2018-19
Number of Students Enrolled	2,756,944	2,792,234	2,817,076	2,833,115	2,846,857
Number of Students Identified as SWD	357,965	367,293	377,272	385,447	401,627
Percentage of Students identified as SWD	13.0%	13.2%	13.4%	13.6%	14.1%

The mission of the Florida Department of Education (FDOE) is to increase the proficiency of all students within one seamless, efficient system by providing them with the opportunity to expand their knowledge and skills through learning opportunities valued by students, parents, and communities, and to maintain an accountability system that measures student progress.

Florida maintains high expectations for all students. These high expectations have resulted in an increased level of student performance. Florida's high school graduation rate has risen from 76.1% in 2013-14 to 86.1% in 2017-18, and the high school graduation rate for SWD has increased in the same period from 55.1% to 77%. Although the graduation gap between SWD and all students was 21 percentage points in 2013-14, this number decreased to 9.1 percentage points in 2017-18.

1. FLORIDA STANDARDS ALTERNATE ASSESSMENT (FSAA)

Section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), places a state-level 1% cap on the number of students who can be assessed using a State's alternate assessment based on alternate academic achievement standards (AA-AAAS) in each content area. According to the 2019 FSAA participation data, Florida exceeded ESSA's 1% threshold across each of the three content areas: English language arts (ELA), math, and science. FDOE anticipates that it will exceed the 1% cap in the 2020 administration of the FSAA and is seeking a waiver from the requirement as detailed in Title 34, Code of Federal Regulations (CFR) §200.6(c)(3) for all content areas assessed via the FSAA. Receiving this waiver would allow time to continue to support the local educational agencies (LEAs) to ensure that the most appropriate instruction is delivered and that the most appropriate assessment is administered to every child.

1.1 The Florida Standards Alternate Assessment (FSAA). As per the requirements in section 1111(b)(2) of ESSA, all Florida students participate in the state's assessment and accountability system. The FSAA is designed for students whose participation in the general statewide assessment program (Florida Standards Assessments, Statewide Science Assessment, Next Generation Sunshine State Standards End-of-Course assessments) is not appropriate, even with accommodations. The FSAA is fully aligned with Florida alternate achievement standards, otherwise known as Access Points. It is expected that only students with the most significant cognitive disabilities, who are eligible under IDEA with an

individual educational plan (IEP), will participate in the FSAA via one of the two assessment components outlined below.

1.1.1 FSAA—Performance Task Overview

The FSAA—Performance Task is designed to provide tiered participation within the assessment for students working on Access Points at various levels of complexity. Each item set is built with three levels of cognitive demand, with Task 1 representing the least complex tasks and Task 3 representing the most complex tasks. This tiered progression provides students with the opportunity to work to their full potential and allows for a greater range of access and rigor.

1.1.2 FSAA—Datafolio Overview

The FSAA—Datafolio is designed to support the needs of a small population of students who typically do not have a formal mode of communication and are working at pre-academic levels. It is designed to show student progress on a continuum of access toward academic content rather than mastery of academic content. Student progress is shown through reduced levels of assistance (LOAs) and increased accuracy. For students being assessed via the FSAA—Datafolio, teachers submit student work samples across three collection periods throughout the school year. The activity choices are teacher-developed from typical classroom activities that are aligned to Access Point Standards. Student evidence from all three collection periods is submitted by the teacher via an online system and independently scored to determine the student’s progress. The IEP team is responsible for making the determination of whether the FSAA—Datafolio is the most appropriate method for assessing the student.

Source Documents: Rule 6A-1.09430, Florida Administrative Code (F.A.C.)
Assessment Planning Resource Guide for Individual Educational Plan (IEP) Teams,
revised August 2019

2. Requirement 1, 34 CFR §200.6(c)(4)(i)

States are required by 34 CFR §200.6(c)(4)(i) to submit the alternate assessment waiver request at least 90 days prior to the start of the relevant subject testing windows. The FSAA testing window will be open from March 2 to April 17, 2020 for elementary and middle school (grades 3-8) and Civics End of Course assessments. The FSAA testing window will be open from the receipt of materials, which is projected to occur either March 9-13 or March 16-20, depending on spring break in each district, until May 1, 2020. This later FSAA testing window is for high school ELA I, ELA II, Algebra I, Geometry, Biology I, and U.S. History End-of-Course assessments. Since the earliest start of the testing window occurs on March 2, 2020, in order to meet the 90 day requirement, FDOE’s waiver request must be submitted by December 2, 2019.

3. Requirement 2, 34 CFR §200.6(c)(4)(ii)

In submitting a waiver request, States are required by 34 CFR §200.6(c)(4)(ii) to provide the number and percentage of students in each subgroup defined in section 1111(c)(2)(A), (B), and (D) who were assessed using the AA-AAAS. States are also required to provide data showing that 95% of all Florida’s students and the students with disabilities subgroup, as identified in section 1111(c)(2)(C), were assessed via either Florida Standards Assessments (FSA) or the FSAA. Assessment participation data from 2019, the most current data available, is provided below to meet this requirement.

3.1 Number and Percentage of Students Assessed via the FSAA

The percentage of students assessed during the 2019 administration of the FSAA was 1.5% in ELA, 1.6% in math, and 1.6% in science. Table 2 provides the number and percentage of each student subgroup, as defined in 1111(c)(2)(A), (B), and (D), assessed via the FSAA across the three content areas.

Table 2: FSAA 2019 Participation by Student Subgroups

Content Area	Subgroup	Number of students who took the standard assessment	Number of students who took the alternate assessment	All students tested	Percentage alternately assessed
ELA	All Students	1,679,008	26,243	1,705,251	1.5%
	American Indian or Alaskan Native	4,708		4,778	
	Black, non-Hispanic	358,474	7,944	366,418	2.2%
	Hispanic	580,681	8,413	589,094	1.4%
	Asian or Pacific Islander	50,483	621	51,104	1.2%
	White, non-Hispanic	625,523	8,315	633,838	1.3%
	Students with Disabilities	220,155	26,202	246,357	10.6%
	Economically Disadvantaged	983,539	18,491	1,002,030	1.9%
	English Language Learners	282,768	2,923	285,691	1.0%
	MATH	All Students	1,550,556	25,744	1,576,300
American Indian or Alaskan Native		4,318		4,385	
Black, non-Hispanic		335,934	7,842	343,776	2.3%
Hispanic		542,537	8,199	550,736	1.5%
Asian or Pacific Islander		44,065	598	44,663	1.3%
White, non-Hispanic		569,329	8,176	577,505	1.4%
Students with Disabilities		209,467	25,712	235,179	10.9%
Economically Disadvantaged		921,798	18,074	939,872	1.9%
English Language Learners		274,253	2,844	277,097	1.0%

SCIENCE					
All Students	607,370	9,621	616,991	1.6%	
American Indian or Alaskan Native	1,664		1,697		
Black, non-Hispanic	126,940	2,925	129,865	2.3%	
Hispanic	208,369	3,079	211,448	1.5%	
Asian or Pacific Islander	18,764	238	19,002	1.3%	
White, non-Hispanic	230,899	3,053	233,952	1.3%	
Students with Disabilities	74,158	9,608	83,766	11.5%	
Economically Disadvantaged	345,325	6,702	352,027	1.9%	
English Language Learners	95,430	989	96,419	1.0%	

3.2 Ninety-five Percent Participation Requirement

Florida requires students in grades 3-10 to be assessed annually in ELA, grades 3-8 in math, middle grades Civics, and grades 5 and 8 in science, via either the Florida Standards Assessments (FSA) or the FSAA. High school students are assessed via end-of-course (EOC) assessments with either the FSA or FSAA in U.S. History, Algebra, Geometry, and Biology I.

Table 3 provides the percentage of all enrolled students who were assessed via the FSA or FSAA, from the 2015-16 to the 2018-19 school years, for each of the required assessments. As shown below, Florida has met the requirement to measure the achievement of at least 95% of all students and 95% of all students with disabilities in each area.

Table 3: Florida Assessment Participation Rates

Year	English Language Arts (ELA)			Mathematics			Science		
	% Tested All (FSA and FSAA)	% Tested SWD (FSA and FSAA)	% Taking Alternate Assessment (FSAA only)	% Tested All (FSA and FSAA)	% Tested SWD (FSA and FSAA)	% Taking Alternate Assessment (FSAA only)	% Tested All (FSA and FSAA)	% Tested SWD (FSA and FSAA)	% Taking Alternate Assessment (FSAA only)
2015-16	97.04%	94.62%	1.4%	96.95%	95.0%	1.2%	97.36%	94.33%	1.4%
2016-17	97.41%	95.20%	1.4%	97.46%	95.5%	1.4%	97.29%	94.63%	1.6%
2017-18	97.57%	94.99%	1.4%	97.89%	95.80%	1.5%	97.57%	94.65%	1.5%
2018-19	97.92%	96.07%	1.5%	97.91%	96.41%	1.6%	97.72%	95.67%	1.6%

4. Requirement 3, 34 CFR §200.6(c)(4)(iii)

4.1 Definition of “Most Significant Cognitive Disabilities”

Florida’s definition of students with the most significant cognitive disabilities is embedded in FDOE’s rule and policies addressing whether a student with a disability requires instruction on access points and assessment via the FSAA. As noted in the Resource Guide for the Alternate Assessment, to determine if a student will receive instruction in Access Points, IEP teams must review and discuss a variety of sources of information. A history of poor performance on state assessments or deficient reading scores in and of itself does not necessarily qualify a student as having a significant cognitive disability. Reliance on intelligence quotient (IQ) scores alone is not sufficient. Therefore, IEP teams should review available student information for evidence of a significant cognitive disability. Such information includes the following:

- Psychological assessments
- Achievement test data
- Previous statewide assessment and district-wide test scores
- Aptitude tests
- Observations
- Attendance records
- Medical records
- Mental health assessments
- Adaptive behavior assessments
- Language assessments
- Curricular content
- School history
- Student response to instructional intervention

Unlike a student with a disability who can participate in standard assessment, either with or without accommodations, a student with a significant cognitive disability is a student who, even with the appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials, requires modifications to grade-level general content standards and who requires direct instruction in academic areas based on access points. Access points are alternate achievement standards built to target the salient content of the Florida Standards. They are designed to contribute to a fully aligned system of content, instruction, and assessment. All access points are intended to allow fluid movement as students grow in competency.

In determining whether a student is one with a significant cognitive disability, IEP teams must carefully consider and remain cognizant that qualifying a student for standards-based instruction via Florida Standards Access Points can significantly impact the extent of a student’s access to postsecondary opportunities. Furthermore, the reauthorization of the Individuals with Disabilities Act (IDEA, 2004), the United States Department of Education and the Office of Special Education Programs provide clear expectations that the general education curriculum is to be the first consideration for providing educational services to a student with a disability.

4.2 Districts Over 1% Threshold

Table 4 provides the FSAA participation rates, by district, for all content areas.

Table 4: FSAA Participation Rates

District	ELA	Math	Science
Alachua	1.3%	1.5%	1.1%
Baker	2.6%	2.7%	2.4%
Bay	1.5%	1.4%	1.7%
Bradford	2.3%	2.7%	2.3%
Brevard	1.2%	1.3%	1.2%
Broward	1.4%	1.4%	1.6%
Calhoun	2.7%	3.6%	1.2%
Charlotte	2.5%	2.8%	3.2%
Citrus	2.1%	2.4%	2.3%
Clay	1.7%	1.8%	1.8%
Collier	1.5%	1.7%	1.6%
Columbia	1.9%	1.9%	2.3%
Dade	1.5%	1.6%	1.5%
Desoto	2.3%	2.3%	1.6%
Dixie	2.1%	2.2%	2.1%
Duval	2%	2.2%	2.2%
Escambia	1.9%	1.9%	1.9%
Flagler	1.4%	1.3%	2.1%
Franklin	2.9%	2.4%	2.7%
Gadsden	3.3%	3.4%	4.2%
Gilchrist	1.1%	1.6%	0.5%
Glades	2.4%	2%	3.6%
Gulf	1.7%	1.7%	2.1%
Hamilton	1.8%	1.6%	1.5%
Hardee	2.4%	2.3%	1.7%
Hendry	1.7%	2%	1.6%
Hernando	1.2%	1.3%	1.2%
Highlands	2.1%	2.4%	1.5%
Hillsborough	1.6%	1.8%	1.8%
Holmes	1.6%	1.8%	1.4%
Indian River	1.3%	1.5%	1.6%
Jackson	2%	2%	2.4%
Jefferson	1.7%	2.2%	0.6%
Lafayette	2.5%	2.7%	1.2%
Lake	1.8%	1.7%	2%
Lee	1.3%	1.4%	1.4%
Leon	2%	2%	1.6%
Levy	2%	2%	1.8%
Liberty	2.9%	2.7%	4.8%
Madison	2.6%	2.6%	2.7%

Manatee	0.8%	1%	1.1%
Marion	1.6%	1.7%	1.4%
Martin	1.2%	0.9%	0.7%
Monroe	1.5%	1.6%	1.3%
Nassau	1.2%	1%	1.2%
Okaloosa	2.5%	2.6%	2.4%
Okeechobee	1.5%	1.8%	2.2%
Orange	1.2%	1.4%	1.2%
Osceola	2.1%	2%	1.6%
Palm Beach	1.5%	1.7%	1.6%
Pasco	1.5%	1.3%	1%
Pinellas	1.6%	1.8%	1.8%
Polk	1.6%	1.8%	1.5%
Putnam	3.6%	3.8%	4.6%
St. Johns	1.2%	1.3%	1.3%
St. Lucie	1.5%	1.6%	1.7%
Santa Rosa	1.4%	1.5%	1.1%
Sarasota	1.3%	1.1%	1%
Seminole	1.3%	1.1%	1%
Sumter	1.4%	1.6%	1.2%
Suwannee	2.1%	2.1%	2.7%
Taylor	3.1%	3%	3.4%
Union	2.1%	1.9%	3%
Volusia	1.4%	1.5%	1%
Wakulla	2.3%	2.2%	1.3%
Walton	1.3%	1.3%	1.1%
Washington	2.8%	2.8%	3.5%
Florida School for the Deaf and the Blind	12.5%	14.5%	12.4%
FAU Lab School	1.3%	1.5%	0.7%

4.3 34 CFR §200.6 (c)(4)(iii) Evidence That Districts Followed State’s Participation Guidelines

Florida verifies that each LEA that exceeds the 1% cap follows FDOE’s guidelines in this area by reviewing their policies. Section 1003.57(1)(b)4., Florida Statutes (F.S.), requires that district school boards submit to FDOE proposed ESE policies and procedures (SP&P) for the provision of special instruction and services for exceptional students once every three years. Approval of this document by FDOE is required by Rule 6A-6.03411, Florida Administrative Code (F.A.C.), as a prerequisite for a district’s use of weighted cost factors under the Florida Education Finance Program (FEFP). This document also serves as the basis for the identification, evaluation, eligibility determination, and placement of students to receive exceptional education services, and is a component of the district’s application for funds available under the Individuals with Disabilities Education Act (IDEA). All approved SP&Ps are posted for public view at the following location: <http://www.beessgsw.org/spp/institution/public>. Below is the required alternate assessment based on alternate academic achievement standards (AA-AAAS) assurance component for the 2019-20 SP&P.

Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS)

1. Students with the most significant cognitive disabilities, for whom the statewide standardized assessment – even with allowable accommodations – is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAAS.
2. Eligibility requirements

The decision that a student with a most significant cognitive disability will participate in the statewide alternate assessment as defined in section 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Standards Alternate Assessment in accordance with Rule 6A-6.0331(10), Florida Administrative Code (F.A.C), must be followed. The following criteria must be met:

- a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and
 - b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on Access Points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.
3. District and IEP team requirements

If it is determined by the IEP team using the Checklist for Course and Assessment Participation that the student will participate in the statewide assessment through the AA-AAAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAAS is appropriate. It will also indicate that notification was made to the parent/guardian and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Checklist for Course and Assessment Participation may be accessed at <http://info.fl DOE.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf>.

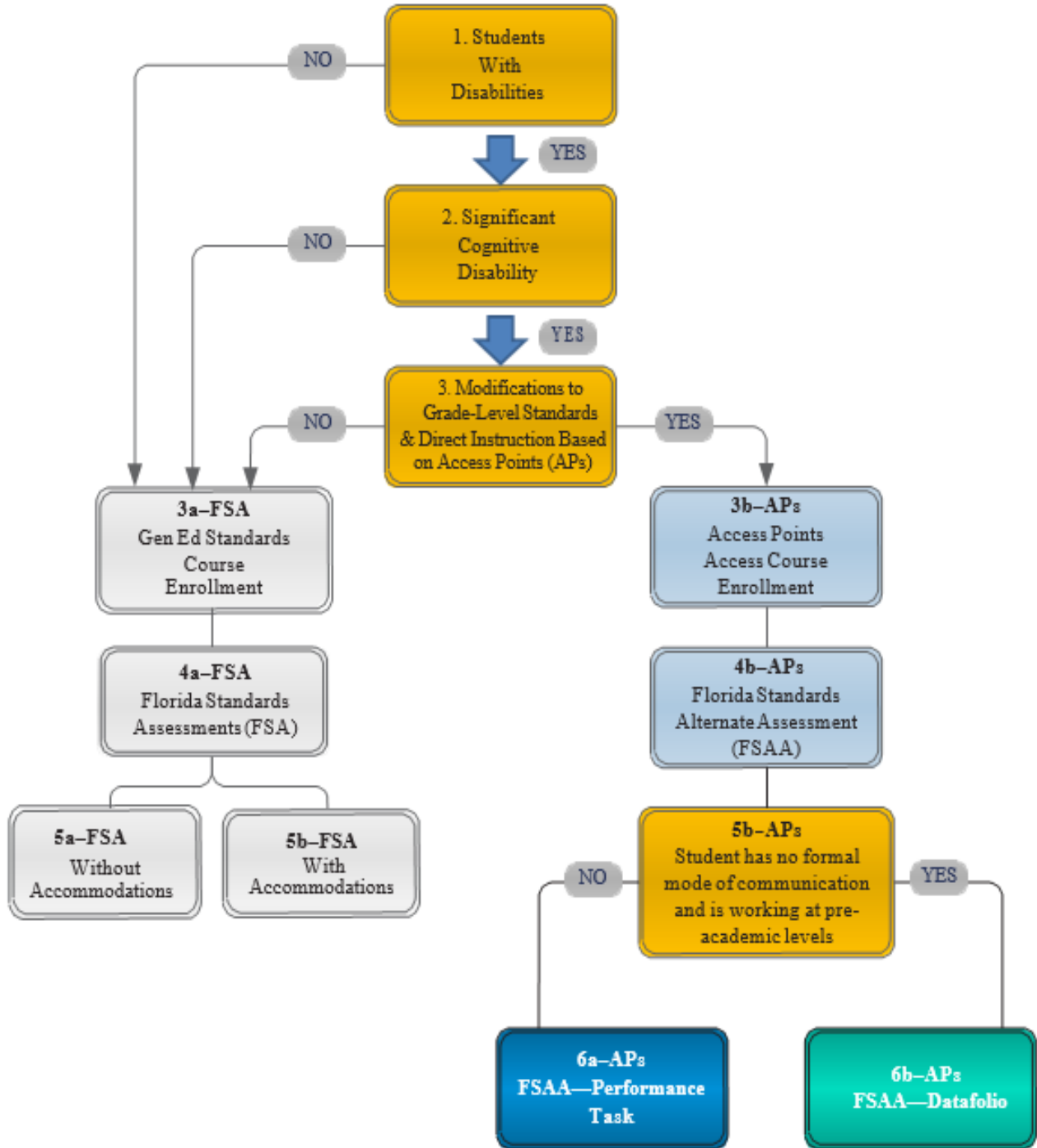
4. Administration of the AA-AAAS

The assessment will be administered individually by the student's exceptional student education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAAS must be trained in administration procedures and receive annual update training.

IEP Team Guide to Assessment for Students with Disabilities

The IEP Team Guide to Assessment for Students with Disabilities flowchart (Figure 1) is a visual outline of the process for determining instruction and assessment decisions for students with disabilities. IEP teams are encouraged to use this guide in conjunction with their collaborative knowledge and established IEP practices to determine the most appropriate means of assessment.

Figure 1: IEP Team Guide to Assessment for Students with Disabilities



IEP Team Guide to Assessment for Students with Disabilities Summary

- 1. The student has a documented disability and is eligible for exceptional student education (ESE) services.**
 - a. If NO, go to 3a–FSA—the student should be enrolled in general education courses and receive instruction based on the Florida Standards or the Next Generation Sunshine State Standards.
 - b. If YES, go to 2.**
- 2. The student has a significant cognitive disability.**
 - a. If NO, go to 3a–FSA—the student should be enrolled in general education courses and receive instruction based on the Florida Standards or the Next Generation Sunshine State Standards.
 - b. If YES, go to 3.**
- 3. The student requires modifications to grade-level standards and direct instruction based on Access Points.**
 - a. If NO, go to 3a–FSA.**
 - b. If YES, go to 3b–APs.**

3a–FSA The student should be enrolled in general education courses and receive instruction based on the Florida Standards or the Next Generation Sunshine State Standards. Go to 4a–FSA.

3b–APs The student should be enrolled in access courses, receive instruction based on the Florida Standards—Access Points or the Next Generation Sunshine State Standards Access Points, and subsequently, be assessed via the FSAA. Go to 4b–AP.

4a–FSA The student is receiving instruction based on the Florida Standards or the Next Generation Sunshine State Standards and subsequently, will be assessed via the FSA, and requires support to demonstrate what he or she knows and can do.

- i. If NO, go to 5a–FSA.**
- ii. If YES, go to 5b–FSA.**

4b–APs The student is receiving instruction based on the Florida Standards Access Points or the Next Generation Sunshine State Standards Access Points and, subsequently, will be assessed via the FSAA.

- i. If YES, go to 5b–APs.**

5a–FSA The student will take the FSA without accommodations.

5b–FSA The student will take the FSA with accommodations.

5b–APs The student typically does not have a formal mode of communication and is working at pre-academic levels.

- i. If NO, go to 6a–APs**
- ii. If YES, go to 6b–APs**

6a–APs The student will participate in the FSAA—Performance Task.

6b–APs The student will participate in the FSAA—Datafolio.

Course Instruction and Participation in Statewide, Standardized Assessment

IEP teams are responsible for determining whether the student with disabilities will be instructed in the general standards or Access Points and, subsequently, assessed through the administration of the general statewide, standardized assessment (with or without accommodations) or the alternate assessment aligned to alternate academic achievement standards based on criteria outlined in Rule 6A-1.0943(5), F.A.C. IEP teams will also have to determine whether students participating in the FSAA should be assessed via the FSAA—Performance Task (FSAA—PT) or FSAA—Datafolio.

STEP 1—Checklist for Course and Assessment Participation

The IEP team should consider the student’s present level of educational performance in reference to the Florida Standards and the Next Generation Sunshine State Standards. The IEP team should also be knowledgeable of guidelines and the use of appropriate testing accommodations. To facilitate informed and equitable decision-making, IEP teams should answer each of the following questions when determining the appropriate course of instruction and assessment. Check all that apply.

Questions to Guide the Decision-Making Process to Determine How a Student With Disabilities Will Be Instructed and Participate in the Statewide, Standardized Assessment Program	YES	NO
1. Is the student among those with the most significant cognitive disabilities?		
2. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials, does the student require modifications, as defined in Rule 6A-6.03411(1)(z), F.A.C., to the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C.?		
3. Does the student require direct instruction in academic areas of English language arts (ELA), mathematics, social studies, and science based on Access Points in order to acquire, generalize, and transfer skills across settings?		

If “YES” is not checked in all three areas, then the student should be instructed in the general education courses and participate in the general statewide, standardized assessment with accommodations, as appropriate.

If the IEP team determines that all three of the questions accurately characterize a student’s current educational situation, then the student should be enrolled in access courses, and the FSAA should be used to provide meaningful evaluation of the student’s current academic achievement. The IEP team then proceeds to STEP 2.

Once the IEP team determines that a student will be instructed in Access Points and participate in the FSAA, the next step is to determine the method in which the student will be assessed – via the FSAA—PT or FSAA—Datafolio. The FSAA—Datafolio is an alternate achievement standards-based assessment designed specifically for students with the most significant cognitive disabilities who have limited to no formal mode of communication.

Parental Consent Form

In accordance with Rule 6A-6.0331(10)(b), F.A.C., if the decision of the IEP team is that the student will participate in access courses and be assessed via the FSAA, the parents and/or guardians of the student must give signed consent to have their child instructed in Access Points and their child’s achievement measured based on alternate academic achievement standards. This decision must be documented on the Parental Consent Form — Instruction in the State Standards Access Points Curriculum and Statewide, Standardized Alternate Assessment, available at <https://www.flrules.org/gateway/reference.asp?No=Ref-04779>. If the parents/guardians fail to respond after reasonable efforts by the school district to obtain consent, the school district may provide instruction in the state standards Access Points curriculum and administer the FSAA. The IEP should include a statement of why the student cannot participate in the general assessment and why the alternate assessment is appropriate.

STEP 2—Datafolio Participation Guidelines

After carefully reviewing the “Checklist for Course and Assessment Participation,” the IEP team determined that the most meaningful evaluation of the student’s current academic achievement is through participation in the FSAA. Next, the IEP team should answer each of the following questions when determining how the student will participate in the FSAA. Check all that apply.

Questions to Guide the Decision-Making Process to Determine How the Student Will Participate in the FSAA	YES	NO
1. Does the student primarily communicate through cries, facial expression, eye gaze, and/or change in muscle tone that requires interpretation by listeners/observers?		
2. Does the student respond/react to sensory (e.g., auditory, visual, touch, movement) input from another person BUT require actual physical assistance to follow simple directions?		
3. Does the student exhibit reactions primarily to stimuli (e.g., student only communicates that he or she is hungry, tired, uncomfortable, sleepy)?		
Previous FSAA—PT Performance (If Applicable)		
4. Has the student’s previous performance on the FSAA—PT provided limited information and/or reflected limited growth within Level 1?*		

If “NO” is selected for each of the first three questions, then the IEP team should conclude that the FSAA—Performance Task is the more appropriate statewide assessment.

If “YES” is selected for any of the first three questions and “YES” is selected for question 4 (when applicable*), then the IEP team should conclude that the FSAA—Datafolio is the appropriate method to provide meaningful evaluation of the student’s current academic achievement.

*For a student in grade 3 or 4, or a student who does not have previous FSAA—PT scores, question 4 does not apply.

4.4 34 CFR §200.6(c)(4)(iii)(B) Evidence that Districts Will Address Disproportionality

In order to ensure that LEAs will address disproportionality, FDOE will calculate district and state risk ratios and provide to LEAs their risk ratios for all student subgroups included in 1111(c)(2)(A), (B), and (D) of ESSA for all four content areas. LEAs will be required to enter this information in a new section of the SP&P and submit a plan noting how they will address any disproportionality. This could include examining practices, such as the training and technical assistance provided to personnel on culturally responsive practices, and working within a multi-tiered system of supports to promote best practices in screening, progress monitoring and initial eligibility determination. Districts may also refer to their efforts related to decreasing disproportionality in evaluation, identification, and discipline. The plan will be reviewed and approved by FDOE.

5. Requirement 4, CFR §200.6(c)(4)(iv)

FDOE has developed, implemented, and provided LEAs the support necessary to ensure that guidelines are followed and disproportionality issues are addressed.

5.1 Plan

5.1.1 Improving the Implementation of State Guidelines.

FDOE has reviewed the definition of students with the “most significant cognitive disabilities” and revised FSAA participation guidelines, as required by 34 CFR §200.6(c)(4)(iv)(A), to ensure that FDOE has adequately addressed all guidelines included in 34 CFR §200.6(d). FDOE has reviewed and updated supporting resources and documentation that LEAs are provided to guide in the FSAA eligibility determination process, including the “[Assessment Planning Resource Guide for Individual Educational Plan \(IEP\) Teams](#).” FDOE continues to participate in the 1% Community of Practice to learn with and from other states.

5.1.2 Support and Oversight of LEA Implementation.

In addition to updated FSAA participation guidelines, FDOE provides oversight, technical assistance, and supports, as required by 34 CFR §200.6(c)(4)(iv)(B), to promote proper implementation of the guidelines by LEAs. Florida provides a Multi-Tiered System of Support (MTSS) to assist LEAs in problem solving and data-based decision making. Tier 1 (universal supports) includes general, statewide support designed to inform, assist, and improve results for all districts. Tier 2 (supplemental supports) includes more focused, targeted, frequent support in addition to and aligned with universal supports provided to subgroups of districts in response to identified needs. Tier 3 (intensive supports) is the most focused, targeted, frequent support in addition to and aligned with universal supports that are provided to individual districts in response to identified needs.

Professionals within the FDOE Bureau of Exceptional Education and Student Services and the Bureau of K-12 Assessment, as well as staff of several discretionary projects, including the ACCESS Project and the Florida Diagnostic & Learning Resources System, are dedicated to supporting LEAs in the appropriate instruction and assessment of students with disabilities, including students with the most significant cognitive disabilities.

The following is based on the Florida Department of Education Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS) Participation Plan.

5.1.2.1 Universal Professional Development and Supports: FDOE provides universal technical assistance and supports to all LEAs to improve the implementation of participation guidelines.

- a) The “Assessment Planning Resource Guide for IEP Teams,” includes the definition of significant cognitive disability and a decision tree for IEP teams.
- b) FDOE hosts an annual meeting for FSAA Alternate Assessment Coordinators (AAC) and District Assessment Coordinators (DAC). In 2019, this event was held on August 28-29. The event was attended by 241 individuals representing 71 districts. The document noted above was reviewed and additional guidance was provided.
- c) A technical assistance paper (DPS-208, May 5, 2017) entitled “Statewide Assessment for Students with Disabilities” includes information on the requirements for participation in the Florida Standards Alternate Assessment. A Checklist for Course and Assessment Participation is also provided to assist LEAs in making the appropriate decisions.
- d) All LEAs have their ESE policies and procedures (SP&P) reviewed, approved and posted online at <https://beessgsw.org/spp/institution/public> by FDOE. The SP&P includes a section (Part 2, Section E) on the LEA’s participation in state and district assessments, including information on the FSAA.
- e) During one or more monthly technical assistance calls that are held during the school year, information on the FSAA is provided. Calls average over 100 participants and the calls are recorded and sent to all LEAs. LEAs are encouraged to call or email FDOE for technical assistance at any time.
- f) Guidance and specific technical assistance is provided at annual intellectual disabilities (InD), autism spectrum disorders (ASD), and other health impairment (OHI) state and regional contacts’ meetings.
- g) During the annual Administrators’ Management Meeting (AMM), which will be held in December 2019, technical assistance regarding the FSAA and participation rates will be provided.
- h) All educators who administer the FSAA are required to complete a training on the administration of the FSAA. Information regarding how to appropriately determine whether a student should be instructed on Access Points and assessed via the FSAA will be added to the training.
- i) The exceptional student education director in each district is sent an annual email containing a table indicating the number and percentage of students who have taken the alternate assessment.
- j) Florida districts will be required to complete a 1% self-assessment. LEAs will provide the current year’s FSAA roster, and FDOE will use a random generator to select a predetermined number (dependent of the district size) of students for the district to self-assess. Once these students have been selected, their IEPs, class schedules, support facilitator schedules, parental permission documents, MTSS/response to intervention (RTI) data, progress monitoring data, and state

assessment data will be reviewed. From this information, the district self-assessment will determine the appropriateness of each student's participation in the FSAA. FDOE will also review a sample of randomly selected records.

- k) LEAs with FSAA participation rates above 1% will be required to submit a justification to FDOE, which must include a reason for the overage and address disproportionality, as part of the annual SP&P update process. This information will be reviewed and approved by FDOE prior to publishing online for public access.
- l) Prior to ordering FSAA materials LEAs will be required to submit [assurance](#) that each student being assessed via the FSAA meets the eligibility requirements for most significant cognitive disability. This will include a review of each individual student, including primary exceptionality, verification of signed parental consent, and IEP justification for placement on alternate assessment.

5.1.2.2 Targeted Technical Assistance and Supports: FDOE provides additional technical assistance, support, targeted professional development/intervention, and supplemental support in addition to the core universal professional development and supports.

- a) District- and school-level personnel responsible for attending IEP meetings will be encouraged to participate in FSAA training.
- b) FDOE will review school-level FSAA participation data, including a comparison of the number of students taking access courses and the number taking the FSAA, and provide targeted professional development, technical assistance, and support. This will include, but not be limited to, following up with districts to ensure that they have reviewed and acted upon the information provided to them and that they are taking measures to ensure that only students enrolled in access courses take the FSAA.

5.1.2.3 Intensive Individualized Interventions and Supports: FDOE provides additional, more frequently focused, targeted instruction/intervention and supplemental support in addition to and aligned with the core universal professional development, interventions, and supports.

- a) District and school-level personnel responsible for IEP meetings will be required to attend FSAA training.
- b) The FDOE will review student level FSAA participation data and provide targeted and individualized professional development, technical assistance, and support. This may include addressing disproportionality in the percentage of students taking the FSAA and assisting with strategies needed to move a student or students from Access Points and the FSAA to the general standards and assessments.
- c) Districts with over 1% of their students on FSAA will provide a justification, which must include a reason for the overage, as part of the annual SP&P update process. This information will be reviewed and approved by FDOE prior to publishing online.

5.1.2.4 Addressing Disproportionality: FDOE will address any disproportionality issues, as required by 34 CFR §200.6(c)(4)(iv)(C). LEA-level relative risk ratios will be calculated for all student subgroups included in 1111(c)(2)(A), (B), and (D) of ESSA for all four content areas.

FDOE will determine the need for improvements at the state and LEA levels following a thorough data analysis of these relative risk ratios. Technical assistance and supports will be provided to LEAs as deemed appropriate.

5.1.3 Reporting. FDOE requires the following FSAA participation reporting.

5.1.3.1 FDOE reporting to LEAs: FDOE provides annual data reports to LEAs that identify trends and patterns in FSAA participation at the district and school levels. These reports are used to inform and, if necessary, improve local FSAA implementation efforts.

5.1.3.2 LEA reporting to FDOE: Any LEA above one percent FSAA participation will be required (34 CFR §200.6(c)(3)(ii)) to submit information to the FDOE with a justification of exceeding the one percent threshold of students taking the FSAA.

5.1.3.3 FDOE reporting to the public: Under ESSA, FDOE must make LEA justifications for exceeding one percent, as submitted in 5.3.2 above, available to the public as long as doing so does not reveal any personally identifiable student information 34 CFR §200.6(c)(3)(iv).

5.2 TIMELINE

June 2019

10-14 FDOE developed justification document for SP&P

14-28 FDOE leadership and legal department reviewed justification document for SP&P

July 2019

1-5 Florida AA-AAAS Participation Plan developed

5-24 FDOE leadership and legal department reviewed Florida AA-AAAS Participation Plan

31 FDOE submitted Florida AA-AAAS Participation Plan to USED

August 2019

9-31 FSAA data reviewed

15 FDOE made accountability report available to accountability coordinator in each district via Sharefile

September 2019

3 FDOE provided annual data reports to LEAs that identified trends and patterns in FSAA participation at district and school levels (4.3.2)

26 Development of FDOE waiver request began

October 2019

16-31 FDOE waiver request reviewed by department leadership and legal team

November 2019

- 1-18 Public comment period to review waiver request
- 18-22 Review of public comments, revision of waiver request
- 22-29 FDOE leadership and legal department final review of waiver request

December 2019

- 2 FDOE submission of waiver request to USED, Office of Special Education Programs
- 15-31 FDOE to review access course enrollment from survey 2
FDOE begins review of LEA justifications, returns to LEAs as revisions are needed

January 2020 onward

- FDOE to publish LEA justification, as per 34 CFR 200.6(c)(3)(ii) and (iv), for public view

Fall 2020

- FDOE to conduct targeted monitoring for compliance focused on the approved document for SP&P for all districts

Note: Tier1, Tier 2, and Tier 3 supports are provided throughout the year

6. PUBLIC AND LEA COMMENT AND FDOE RESPONSES

FDOE uses the Florida Administrative Register (FAR), which is provided by the Florida Department of State, to post grant applications, rules, and meeting notifications to the public, and provide an opportunity for comments. The [FAR](#) was used to solicit public comment on the Florida Department of Education ESSA Alternate Assessment 1% Cap Waiver Request. LEA comment was solicited via a Chancellor's Memo to Superintendents on [November 1](#), 2019, and via the BEESS Weekly electronic newsletter to all district ESE Directors on [November 1](#) and again on [November 8](#), 2019. In addition, an email containing a link to the BEESS Weekly was sent to all members of the State Advisory Committee for the Education of Exceptional Students on November 5, 2019.

No comments were received.